

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 4, 2006. At the time of the Office Action, Claims 1-19 were pending in this Application. Claims 1-19 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,211,820 issued to Poor et al. ("Poor") in view of U.S. Patent 4,046,118 issued to Aono ("Aono"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated that Poor discloses a "*circuit arrangement is designed to detect the potential on at least one of the connecting lines*" as claimed in claim 1 and 8 or "*a detector for detecting the potential on at least one of the connecting lines*" as claimed in claim 13. Applicant respectfully disagrees. Poor merely discloses an arrangement in which a sensor can be coupled with a microprocessor. Poor particularly states:

"As noted, contacts 108a, 108b are normally closed so that the Emf generated between inner and outer electrolyte surfaces 101, 102 can be inputted to microprocessor controller 20. As will be explained shortly, contacts 108a, 108b are open to disable the sensing circuit and a capacitor 120 (nominally 0.1 μ F at 50 volt direct current) is provided between lines 78a, 78b to prevent transient voltage from being transmitted to microprocessor controller 20 when contacts 108a, 108b are opening or closing."

Thus, there exists no unit for detecting a voltage on the leads to sensor 67. All switches are merely used to separate a microprocessor from the sensor while the sensor is heated up by means of current source 111. See Poor, col. 20, lines 15-29. At no time, the arrangement according to Poor checks any over- or under-voltage at the sensor terminals and, moreover, at no time due to such an over- or under-voltage is the sensor disconnected from a respective voltage source. All switches provided in the circuit according to Poor are merely used to connect the power supply with the sensor at certain times while disconnecting the sensor from the microprocessor and to switch polarity of the power source.

Hence, Poor does not disclose the limitations of the independent claims as stated above. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

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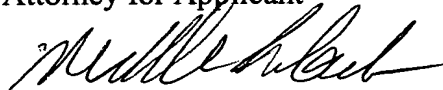
CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney Andreas H. Grubert at 512.322.2545.

Respectfully submitted,
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